

REMARKS

SUMMARY

Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 were pending, and rejected. In this response, claims 5 and 17 have been amended; no claim has been added or canceled. Accordingly, claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 remain pending. The Action's rejections are respectfully traversed, and claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 are submitted to be in condition of allowance.

CLAIM REJECTIONS – 35 U.S.C. § 103

In the Action, claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of Bork et al, USP 6,954,657, and O'Neil et al U.S. Patent App. Pub. No. 2004/0224693. In response, claim 17 has been editorially amended to parallel claim 4. No new matter has been introduced. The Examiner's rejections are respectfully traversed.

In rejections under 35 U.S.C. § 103, the Examiner bears the initial burden in establishing a *prima facie* case. In doing so, the Examiner must consider all claim limitations, including each word of the claims, in judging patentability of the claims.

[*See, M.P.E.P. § 2143.03.*]

Claim 1 recites in pertinent part

“gathering schedule information ...

combining the user's physical context information and the user-specific location and the schedule information to derive user-context information;

combining user defined preferences if they exist, together with the derived user-context information; and

directing the mobile device to modify its behavior based on the personalized results specific to the user, the personalized results based on the combining of the derived user context information and the user defined preferences, if they exist.”

In rejecting claim 1, the Action asserted that Bork teaches all recitations of claim 1, except for the “gathering schedule information ...” recitation. The Action further

asserted that O’Neil remedy the deficiency of Bork. The Action cited to [0076] of O’Neil.

[0076] indeed discloses PIM information, including “ ... appointments, deadlines, meetings etc ...” However, [0077] further discloses “Once scheduled appointments are due ... the PIM will send an alert to MARA (mobile authentication registration application), which will in turn, be passed to WIS (wireless Internet server). The WIS will then inform the MIN (mobile identification number) of the alert (annotation added).”

Accordingly, it is first noted that the cited teachings is directed towards a server (WIS) receiving “scheduling” inputs, and in response generating an alert for a client (MIN). The cited passage does not teach or suggest a mobile device generating an alert in response to input.

Even if we are to ignore the above, it is further noted that the cited passage at best can be read as teaching the deferred generation of alert, after receiving input, since the cited passage merely discloses “Once scheduled appointments are due ... (t)he WIS will then inform the MIN of the alert.” The cited passage, contrary to the assertion of the Action, did not teach or suggest, selection of an alert of an alert type, among a number of alerts of different alert types (audio, visual, tactile), and/or adjustment of an alert of the selected alert type, based on the received schedule information. The alert to the MIN was unconditional, not chosen among one of a number of alert options of different alert types, nor adjusted after its selection.

Accordingly, even if O’Neil is combined with Bork, it is submitted that O’Neil merely extends Bork’s immediate selection and/or adjustment of an alert in response to an incoming call, to deferred selection of an alert among a number of alerts of different alert types, and/or adjustment of an alert of the selected alert type.

Thus, even if we assume selection of an alert among a number of alerts of different alert types, and/or adjustment of an alert of the selected alert type may be read as teaching or suggesting the recitation of “directing the mobile device to modify its behavior ..., (which reading is not agreed, but need not be addressed at the present time), the combination of Bork and O’Neil, still fails to teach or suggest that the “directing ...” is based on ‘the personalized results specific to the user,’ which is based on the “user context information,” which in turn, is derived in part from “schedule information,” since

O'Neil merely teaches deferred response to schedule input, and not usage of the schedule information to select and/or adjust an alert..

Accordingly, it is respectfully submitted taht the Action had not met the initial burden of establishing a prima facie case of obviousness as required. Therefore, claim 1 is patentable over the cited reference.

Independent claims 10 and 17 include similar recitations as claim 1, and are likewise patentable over the cited references for at least similar reasons.

Claims 2, 4-7, 9, 12-14, 16 and 18-23 depend from either claims 1, 10 and 17. Claims 2, 4-7, 9, 12-14, 16 and 18-23 are therefore patentable over the cited references.

Claims 2, 4-7, 9, 12-14, 16 and 18-23 are further patentable over the cited references by virtue of their additional recitations.

For example, claims 4, 13 and 21 recite “gathering user-specific location further includes gathering at least one of a time of day and a date.” The Action cited to Bork’s disclosure on using GPS data or network identification to gather location/position information. However, neither using GPS nor network information to gather location/position information teaches or suggest “gathering user-specific location further includes gathering at least one of a time of day and a date (to provide the location information.”

CONCLUSION

For at least the above reasons, a Notice of Allowance is earnestly requested. If the Examiner has any questions concerning the present paper, the Examiner is requested to contact the undersigned at (206) 381-8819. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,
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Dated: April 13, 2011 _____ /Al AuYeung /
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